

APR 09 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISIONJOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

UNITED STATES OF AMERICA,

v.

MARC ANDRE FLEURIVAL,

Defendant.

Criminal Action No. 5:06CR00041

Civil Action No. 5:08CV80068

FINAL ORDERBy: Hon. Glen E. Conrad
United States District Judge

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

that the respondent's motion to dismiss shall be and hereby is **GRANTED**. The petitioner's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255 shall be and hereby is **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 9th day of April, 2009.

[Signature]

United States District Judge